

MAK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Bonilla

CIVIL ACTION

v.

NO. **18 3293**

American Heritage Federal Credit Union

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. **550** ☒

AUG - 3 2018

Date

Daniel McQuinn

Deputy Clerk

Attorney for

Telephone

FAX Number

E-Mail Address

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 8151 State Road, Philadelphia, PA 19136

Address of Defendant:

Place of Accident, Incident or Transaction: Philadelphia

RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/03/2018 Daniel McQuinn
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights 550
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify):

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify):
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify):

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Mersadies Bonilla
PP# 1030258
8151 State Road -R.C.F.
Philadelphia, PA 19136

MAK

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF PHILADELPHIA

Mersadies Bonilla

Plaintiff,

-v-

American Heritage Federal Credit Union,

Defendant.

COMPLAINT

Civil Action No. **18 3293**

I. Jurisdiction & Venue

1. In particular, Plaintiff claims that Defendant violated sections 1692e(11) and 1692g of the FDCPA. This is a civil action is authorized by Federal Credit Union Act 12 USCS §§ 1751 et seq.; Pennsylvania Fair Credit Extension Uniformity Act, 73 P.S. § 2270.1, et seq.; the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, et seq.; Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"); the Truth in Lending Act, 15 U.S.C. § 1601, et seq.; the Fair Credit Billing Act, 15 U.S.C. § 1666h and Regulation Z, 12 CFR § 22.6 12(d), and common law causes of action for conversion and unjust enrichment. Plaintiff Bonilla seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.
2. The defendant maintains its principal office for administration of all business in the Commonwealth of Pennsylvania at 2060 Red Lion Road Philadelphia, PA 19115. Furthermore, alleged unlawful acts and practices of the defendant were committed within or upon the direction of Defendant's agents within the Commonwealth of Pennsylvania.

II. PLAINTIFF

3. Plaintiff Mersadies Bonilla has been a member at American Heritage Federal Credit Union since 2015. Bonilla has had two accounts with American Heritage Federal Credit Union, credit card and savings share account.
4. Plaintiff Bonilla is a individual and citizen of the Commonwealth of Pennsylvania with an address at 8151 State Road Philadelphia, Pennsylvania 19136 which she is a prisoner at Riverside Correctional Facility since July 28th of 2017.

III. DEFENDANT

5. Defendant American Heritage Federal Credit Union is a federally chartered credit union and falls under the laws of the Commonwealth of Pennsylvania having its principal place of business for the administration of all business at 2060 Red Lion Road Philadelphia, Pennsylvania 19115.

IV. FACTS

6. On August 13th of 2016 Plaintiff received two deposits into her share savings account xx2661 in the amount of \$3000.00 and \$500.00 from another member's deposit accounts. On August 17th of 2016 Plaintiff received a deposit in the amount of \$2100.00 to share savings account xx2661. A true and correct copy of AHFCU statement is attached and marked as Exhibit "A(1-3)"
7. On August 19th of 2016 at 9:48 am Defendant called Philadelphia Police Department to their local branch location located at 2620 W. Hunting Park Avenue Philadelphia, Pennsylvania 19129. Philadelphia Police officer Luna (badge number 9781) responded and was told that "\$13,000.00 was transferred from her bank account, to below offender's bank account. This all occurred from 08-13-2016 - 08-17-2016" (Defendant informed member Eubanks that she needed to make a police report for her funds to be credited back to her account and report was made while she was inside of the Defendant's local branch). Attached and marked Exhibit "B" is a true and correct copy of said police report number 067136.
8. On August 26th of 2016 Plaintiff was a member to Defendant and called to Defendant to close her credit card account (that was used for personal, family, and household purposes) and was referred to Defendant's Fraud Department.
9. Upon Plaintiffs conversation with Fraud Investigator on August 26th of 2016, Bonilla gave a Philadelphia Police Docket number from a agreement made on July 1st of 2016 to Defendant's Fraud Investigator that verified the investigator's questions. Bonilla was told by Fraud Investigator that she would be contacted after a Senior Fraud Investigator looked at the file. Plaintiff was not informed that any law officials were involved in this investigation.
10. Defendant did not keep the verbal agreement to contact Bonilla. Instead Bonilla became a probable cause suspect to the Commonwealth of Pennsylvania's docket number(s) MC-51-CR-0022470-2017 and CP-51-CR-0000237-2018 which lead to her arrest on July 28th of 2017. Plaintiff was also not informed by Defendant that Philadelphia Police Department was involved at any time during or after investigation.
11. Plaintiff had three deposits into her savings share with Defendant from another member's account. A true and correct copy of the statement of Plaintiff's American Heritage Federal Credit Union Statement is attached and marked as Exhibit "A(1-3)". Deposit amounts are listed on paragraph 6.
12. Defendant did not conduct a full investigation prior to contacting the Philadelphia Police Department. A true and correct copy of American Heritage's Senior Fraud Investigator Tracey Rambo's investigation report is attached and marked as Exhibit "C(1-2)". AHFCU's victim said that she did not know Plaintiff and then later stated in phone conversation to Philadelphia Police Department Northwest Detective Fleming (badge number 9275) on question number two (Q2.) "Yes I believe she was an accountant in my son's business" which is a contradiction to the initial statement made to Defendant AHFCU Exhibit "D".

13. Defendant charged off delinquency balance of Plaintiff's account shortly after August 30th of 2016.
14. On July 28th of 2017 Plaintiff was arrested on Fraud claims in connection with docket number MC-51-CR-0022470-2017 from police report 067136.
15. On Thursday January 11th of 2018 AHFCU's Senior Fraud Investigator Tracey Rambo served as the Commonwealth of Philadelphia's witness on Philadelphia Court of Common Pleas docket number MC-51-CR-0022470-2017 preliminary hearing in front of The Honorable Judge Thomas G. Gavin. On that date Rambo could not prove that transactions that were said to be fraudulent were made by Plaintiff. Rambo also said that she has done over 500 investigations since August of 2016 and remembered what was said to her by Eubanks from that time. Rambo stated she did not keep contacts from August of 2016. Attached and marked Exhibit "E" is a true and correct copy of Court Reporter Transcript dated January 23rd of 2018.

V. LEGAL CLAIMS

16. Paragraphs 1 through 15 are incorporated by reference herein.
17. The acts, failures to act, practices and policies of the Defendant set forth above constitute the Defendant took funds from a paid off credit card account after already filing criminal charges in attempt to reclaim \$5,600 (which funds were deposited into Plaintiff's savings share account), as well as reported invalid debt via consumer credit reporting agencies which is a violation of Truth in Lending Act 15 USCS §§ 1601 et seq. by failing to investigate Plaintiff's allegations of the billing and adjustment error, emails to fraud investigator constitute as valid written notice under Fair Credit Billing Act 15 USCS § 1666, where emails contained that her online account statements contained billing errors under § 1666(b)(1),(2),(4) 1666 (h) 1666(c) as well as Pennsylvania Fair Credit Extension Uniformity Act 73 P.S. § 2270.1; Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, et seq.; Fair Credit Billing Act, 15 U.S.C. § 1666h and Regulation Z, 12 CFR § 22.6 12(d); common law causes of action for conversion and unjust enrichment Reed v. Lackawanna Cty.; July 26, 2017.
18. Defendant did not conduct a thorough investigation by standards of Federal Credit Union Act 12 USCS §§ 1751 et seq. which ended in plaintiffs arrest.
19. Defendant has a credit committee and has loan officers which extended credit to Plaintiff under Federal Credit Union Act 12 USCS §§ 1751 et seq.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully pray that this court enter judgment in her favor against Defendant and award her relief including but not limited to the following:

- A. Granting Plaintiff Bonilla a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States and
- B. Granting Plaintiff Bonilla compensatory damages including all expenses and financial losses Plaintiff incurred as a result of the Defendant's actions and compensation for emotional pain and suffering in the amount of \$1,500,000.00;
- C. Plaintiff sees punitive damages in the amount of \$1,000,000.00 from Defendant;

- D. Declaratory relief declaring the acts and practices of Defendant to be in violation of the statute(s) cited above, delete AHFCU tradeline on Plaintiffs credit report, mark all judgments obtained as satisfied on credit report, forgive all debt shown on credit reports by AHFCU;
- E. Plaintiff seeks jury trial on all issues triable by jury;
- F. Reasonable attorney's fees plus of the costs in this suit;
- G. Any additional relief this court deems just, proper, and equitable on the injury sustained;

Dated July 31st of 2018

Respectfully submitted,
Mersadies Bonilla
Police Photo Number: 1030258
Riverside Correctional Facility
8151 State Road
Philadelphia, PA 19136

VERIFICATION

I have read the foregoing complaint and hereby verify that the matter alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty that the foregoing is true and correct.

Executed at Philadelphia, PA on July 31st of 2018

Mersadies Bonilla

See Rule *205.2(b)(1)

Court of Common Pleas of Philadelphia County

Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME

Bonilla, Mercedes

PLAINTIFF'S ADDRESS

8151 State Road - 1030258
Philadelphia, PA 19136

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S NAME

American Heritage Federal Credit Union

DEFENDANT'S ADDRESS

2060 Red Lion Road
Philadelphia, PA 19115

DEFENDANT'S NAME

DEFENDANT'S ADDRESS

DEFENDANT'S NAME

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NO. OF DEFENDANTS

1

COMMENCEMENT OF ACTION

☒ Complaint☒ Writ of Summons☐ Petition Action☐ Transfer From Other Jurisdictions☐ Notice of Appeal

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration☐ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☐ Minor Court Appeal☐ Statutory Appeals☐ Commerce (Completion of
Addendum Required)☐ Settlement☐ Minors☐ W/D/Survival

CASE TYPE AND CODE (SEE INSTRUCTIONS)

STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)

Complaint

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

IS CASE SUBJECT TO
COORDINATION ORDER?

Yes

No

☐☐☐☐☐☐

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant:

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

Bonilla, Mercedes

PHONE NUMBER

FAX NUMBER

ADDRESS (SEE INSTRUCTIONS)

8151 State Road - 1030258
Philadelphia, PA 19136

SUPREME COURT IDENTIFICATION NO.

E-MAIL ADDRESS

SIGNATURE

DATE

7.31.18 Mer.

MAK

Mersadies Bonilla
PP# 1030258
8151 State Road -R.C.F.
Philadelphia, PA 19136

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF PHILADELPHIA

Mersadies Bonilla

Plaintiff,

-v-

American Heritage Federal Credit Union,

Defendant.

**MOTION TO PROCEED IN
FORMA PAUPERIS**

Civil Action No. **18 3293**

REQUEST TO PROCEED IN FORMA PAUPERIS STATUS

I, **Mersadies Bonilla**, petitioner avers that I do not have any money, stocks, saving accounts etc. I also do not own any property or dividends or annuities, therefore I cannot afford to pay the cost of filing the enclosed proceedings because am indigent and incarcerated. I have included account prison financial account statements for the last six months. I am currently incarcerated at Philadelphia Department of Prison's Riverside Correctional Facility located at 8151 State Road Philadelphia, PA 19136. I am requesting to proceed in forma pauperis status, I am aware that false statements made herein are subject to penalties of Title 18.4904 pertaining to unsworn falsification to authorities.



Mersadies Bonilla, Pro Se

Mersadies Bonilla
Police Photo Number 1030258
Philadelphia Department of Prisons- RCF
8151 State Road
Philadelphia, PA 19136

Home:
6102 Hayes Street
Hollywood, Florida, 33024

Greg Zeff, Esq.
518 S. 3rd Street
Philadelphia, PA 19102
800.256.5236

Re: Litigation Attorney Needed

Wednesday July 25th of 2018

Mr. Zeff, Esq.

I hope this brief letter finds you well. I am in need of a litigation attorney. I am currently incarcerated for something that makes no sense even to the District Attorney's office.

I currently work in the law library where I am incarcerated. I am able to do a lot of research (which I have). The lawsuit involves a Federal Credit Union which involves my incarceration. I want to schedule a phone conference with you and I will write in more detail upon response. I am able to do initial filing and pay for transcripts. My criminal case is currently at its 3rd trial listing. The District Attorney's office does not currently have any witnesses willing to take a stand. One on the witnesses is a Philadelphia Municipal Court Judge and the other is my late ex which is a (now) deceased physician. This case will not be moving any farther, even if it goes into trial, I am not guilty. Next trial listing is, August 2nd of 2018 (about the time you will receive this letter). I will be doing as much case law study as I can while I have access to Lexis Nexis. I am looking to hire an attorney on a contingency basis (again, I will pay all fees assessed by court- in advance).

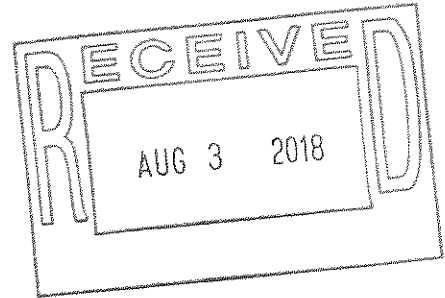
In closing, when/ if you respond to my request, please send one copy to my place of incarceration and my home. I do not receive all my legal mail, so a copy is needed. Thank you in advance.

Respectfully,



Mersadies Bonilla

Messadries Bonilla - Mess
8151 State Road - R.C.F.
Philadelphia, Pennsylvania 19136



United States District Court
Eastern District of Pennsylvania
Prothonotary / Clerk of Court
601 Market Street
Room 2609
Philadelphia, Pennsylvania 19106-1797

Tues. July 31st of 2018

To the Prothonotary of said Court,

If there are any forms that are missing, changed, or incomplete please send me correct forms you would like me to use. I hope the Cover Letter used and Forms PAUPER'S forms are ok. If you would like me to change anything, please send via U.S.P.S. mail.

Thank you in advance.

Messadries Bonilla
7/31/18 Tues

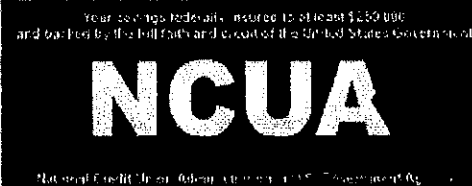


American Heritage Federal Credit Union

MERSADIES S BONILLA
404 W SOMERVILLE AVENUE 2 RIGH
PHILADELPHIA PA 19120

Account Number
622661

Starting Date Ending Date
09/01/2016 09/30/2016


[Printable Version](#)

Best Rates in Town!
12 Month Fixed-Rate CD/IRA
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59 Month Bump-Rate CD/IRA
Certificate 1.91% APY
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PRIMARY SAVINGS

(ID 00)

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Balance Forward	\$609.89
- 1 Withdrawal	\$5,600.00
+ 1 Deposit	\$1,655.14
+ 1 Dividend	\$0.05
Ending Balance	-\$3,334.92

Transaction Detail

Date	Description	Withdrawals	Deposits	Balance
	Balance Forward			\$609.89
09/06/2016	Deposit		\$1,655.14	\$2,265.03
09/07/2016	Withdrawal	-\$5,600.00		-\$3,334.97
09/07/2016	DEBIT FOR FRAUD TRANSFERS 13 & 8/17			
09/30/2016	Deposit Dividend Dividend Posting		\$0.05	-\$3,334.92
09/30/2016	Annual Percentage Yield Earned 0.13% from 09/01/2016 to 09/30/2016			
	Ending Balance			-\$3,334.92
	Dividends Paid \$0.11			

	Total for this Period	Total Year-to-Date	Total Last Year
Total Overdraft Fees	\$0.00	\$0.00	\$0.00
Returned Item Fees	\$0.00	\$525.00	\$0.00

Summary

Year to Date Totals

Dividends Paid	\$0.11
Interest Paid	\$58.76

Defense Copy

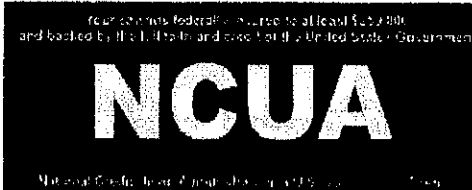


American Heritage Federal Credit Union

MERSADIES S BONILLA
404 W SOMERVILLE AVENUE 2 RGH
PHILADELPHIA PA 19120

Account Number
622661

Starting Date Ending Date
07/01/2016 08/01/2016



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PRIMARY SAVINGS

(ID 00)

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Balance Forward	\$15.00
- 25 Withdrawals	\$5,471.00
+ 4 Deposits	\$6,065.86
+ 1 Dividend	\$0.03
Ending Balance	\$609.89

Transaction Detail

Date	Description	Withdrawals	Deposits	Balance
	Balance Forward			\$15.00
08/13/2016	Deposit Home Banking Transfer REF# 61365 From EUBANKS,JOYCE W 146740 Share 00		\$3,000.00	\$3,015.00
08/13/2016	Withdrawal Transfer To Loan 90	-\$1,655.14		\$1,359.86
08/13/2016	Withdrawal Share Branch #07782 PJM Center 312 N MLK Boulevard Baltimore MD	-\$800.00		\$559.86
08/13/2016	Deposit Home Banking Transfer REF# 6132963 From EUBANKS,JOYCE W 146740 Share 02		\$500.00	\$1,059.86
08/13/2016	Withdrawal Share Branch #078232 Loch Ridge Center 507 Loch Raven Bouleva Baltimore	-\$500.00		\$559.86
08/13/2016	Uncollected Fee Due since 03/07/16 - Overdrawn	-\$15.86		\$544.00
08/13/2016	Uncollected Fee Due since 03/21/16 - Overdrawn	-\$25.00		\$519.00
08/13/2016	Uncollected Fee Due since 03/21/16 - Overdrawn	-\$25.00		\$494.00
08/13/2016	Uncollected Fee Due since 03/28/16 - Overdrawn	-\$25.00		\$469.00
08/13/2016	Uncollected Fee Due since 03/28/16 - Overdrawn	-\$25.00		\$444.00
08/13/2016	Uncollected Fee Due since 04/01/16 - Overdrawn	-\$25.00		\$419.00
08/13/2016	Uncollected Fee Due since 04/01/16 - Overdrawn	-\$25.00		\$394.00
08/13/2016	Uncollected Fee Due since 04/20/16 - Overdrawn	-\$25.00		\$369.00
08/13/2016	Uncollected Fee Due since 04/20/16 - Overdrawn	-\$25.00		\$344.00

08/13/2016 Uncollected Fee Due since 04/25/16 - Overdrawn -\$25.00 \$319.00

08/13/2016 Uncollected Fee Due since 04/25/16 - Overdrawn -\$25.00 \$294.00

08/13/2016 Uncollected Fee Due since 05/02/16 - Overdrawn -\$25.00 \$269.00

08/13/2016 Uncollected Fee Due since 05/02/16 - Overdrawn -\$25.00 \$244.00

08/13/2016 Uncollected Fee Due since 05/20/16 - Overdrawn -\$25.00 \$19.00

08/13/2016 Uncollected Fee Due since 05/20/16 - Overdrawn -\$25.00 \$4.00

08/13/2016 Uncollected Fee Due since 05/31/16 - Overdrawn -\$25.00 \$144.00

08/13/2016 Uncollected Fee Due since 05/31/16 - Overdrawn -\$25.00 \$119.00

08/13/2016 Uncollected Fee Due since 06/02/16 - Overdrawn -\$25.00 \$94.00

08/13/2016 Uncollected Fee Due since 06/02/16 - Overdrawn -\$25.00 \$69.00

08/15/2016 Withdrawal ACH BBVA COMPASS TYPE: ACCT FUND ID: 3770527921 DATA: ONLINE TRNSFR99992158 CO: BBVA COMPASS Entry Class Code: WEB -\$25.00 \$44.00

08/15/2016 Withdrawal ACH BBVA COMPASS TYPE: ACCT FUND ID: 3770527921 DATA: ONLINE TRNSFR99992158 CO: BBVA COMPASS Entry Class Code: WEB -\$25.00 \$44.00

08/17/2016 Deposit Home Banking Transfer REF# 6155792 From EUBANKS,JOYCE W 450146740 Share 00 \$2,100.00 \$2,144.00

08/17/2016 Withdrawal Shared Branch #171012 TRUMARK FCU - PLYMOUTH ME 1920 BUTLER PIKE CONSHOHOCKEN PA -\$2,000.00 \$144.00

08/19/2016 Deposit Overdrawn/NSF Fee Refund \$465.86 \$609.86

08/26/2016 Uncollected Fee of \$25.00 is Due

08/26/2016 Entry Class Code: WEB

08/29/2016 Uncollected Fee of \$25.00 is Due

08/29/2016 Entry Class Code: WEB

08/31/2016 Deposit Dividend Dividend Payout \$0.03 \$609.89

08/31/2016 Annual Percentage Yield Earned 0.13% from 08/01/2016 to 08/31/2016

Ending Balance \$609.89

Dividend Paid Year \$0.06

Checks (0 In Order)

	Total for this Period	Total Year-to-Date	Total Last Year
Total Overdraft Fees	\$0.00	\$0.00	\$0.00
Total Returned Item Fees	\$465.86	\$525.00	\$0.00

Summary

Year to Date Total

Dividends \$0.06

Interest Paid \$127.29

PHILADELPHIA POLICE DEPARTMENT

COMPLAINT OR INCIDENT REPORT

YEAR 16	DIST/OCC 39	D.C. No. 067136	REPT 3	DIST 39	VEH. NO. 32	REPORT DATE 08-17-16
CRIME OR INCIDENT CLASSIFICATION Fraud			CODE 1105	TIME OUT 9:45 P	TIME IN A	P
LOCATION OF OCCURRENCE 2620 W. Hunting Park			19129	TYPE OF PREM. 34		
DATE OF OCCUR. 08-13-16	DAY CODE 6	TIME OF OCCUR. 2:00	A	NATURE OF INJURY N/A		
COMPLAINANT Joyce Eubanks		AGE 63	RACE B	SEX F	PHONE/ADDRESS	
ADDRESS						
FOUNDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		REPORT TO FOLLOW <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Close Out		UNIT 6600	CODE/TIME 6578	
WITNESS <input type="checkbox"/> Yes <input type="checkbox"/> No		TRACEABLE PROP. <input type="checkbox"/> Yes <input type="checkbox"/> No		UNIQUE DESCRIPTION OF OFFENDER <input type="checkbox"/> Yes <input type="checkbox"/> No		
				OTHER EVIDENCE <input type="checkbox"/> Yes <input type="checkbox"/> No		
DESCRIPTION OF INCIDENT (Include Description of Crime Scene if Applicable) FRAUD Compl got a letter stating her EIN number for her bank account has changed. Compl went to the bank, American Heritage Bank, Compl was told that around \$13,000 USDC was transferred from her bank account to her home. Compl was told that the bank account was from 08-13-16 - 08-17-16. Compl does not know who the offender is. OFFENDER INFORMATION Mersadie Bonita 271A FGT-05-89 404 W. Somerville						
PROPERTY DESCRIPTION (Include Make, Model, Color and Serial No. Where Applicable)		YEAR CODE	INSURED <input type="checkbox"/> Yes <input type="checkbox"/> No	STOLEN VALUE \$13,000		
VEHICLE 1 - OWNER'S NAME		VEHICLE 2 - OWNER'S NAME				
VEHICLE 1 - OPERATOR'S NAME		VEHICLE 2 - OPERATOR'S NAME				
WANTED TOLE MESSAGE SENT General No. Date		DIST/UNIT TERMINAL	RECEIPT NO.	SENT BY		
PREPARED BY L. J. J. J.		NO. 9781	DIST/UNIT 3932	TOTAL PAGES 1	PAGE NO.	
REVIEWED BY J. J. J. J.		NO. 838	DIST/UNIT 3932	REFERRAL DATE	CEN NO.	
IN ACCORDANCE WITH ACT 155 OF 1992, THE BELOW PERSON ACKNOWLEDGES RECEIPT OF THE NOTIFICATION OF THIS SERVICES FORM: Fleming 256898						



Tracey Rambo, Senior Fraud Investigator
 American Heritage Federal Credit Union
 2060 Red Lion Road, Philadelphia, PA 19115
 215.969.0777 x 2994 (T) 215.676.3370 (F)
tramb@amhfcu.org

Suspect Name: Mersadies Bonilla	Suspect Address: 404 W. Somerville Ave 2 Right Philadelphia, PA 19120	DOB: 07/05/1989 Maryland DL#: B540-598-38534 SSN: 27.86.9889 Phone: 954.998.967	Account Number: 622661
Victim Account Info: Joyce Eubanks	Victim Account Address: <div></div>	DOB: 03/11/1949 DL#: <div></div> SSN: <div></div> Phone: <div></div>	Account Number: 450146740
Type of Fraud: Identity Theft Theft by Deception	Dates of Incidents: August 13 – 17, 2016		Total Dollar Loss: \$5,600.00

August 13, 2016 @ 3:02am: a \$3,000.00 transfer was performed from Eubanks's savings account #450146740 to Mersadies Bonilla's savings account #622661 via online banking.

- 2 unsuccessful attempts prior to logging in
- IP address 172.56.3.185
- Change email address mjrc94@aol.com to mjrc942@aol.com
- Change phone number from 267-804-5147 to 264-240-5965
- Master Card loan application was submitted

August 13, 2016 @ 11:11am: a \$500.00 transfer was performed from Eubanks's vacation club account #450146740 to Mersadies Bonilla's savings account #622661 via online banking.

IP Address 172.56.3.72

August 17, 2016 @ 12:58pm: a \$2,100.00 transfer was performed from Eubanks's savings account #450146740 to Mersadies Bonilla's savings account #622661 via online banking.

- IP Address 64.134.98.121

August 17, 2016: Eubanks reported the unauthorized transfers and fraudulent credit card application to AMHFCU and filed a police report (DC# 16-39-067136) at the Hunting Park Branch. Eubanks stated that she thinks her son Dr. Anthony Eubanks had some type of relationship with Bonilla.

August 17, 2016: Bonilla contacted AMHFCU regarding her account, when asked about the transactions Bonilla stated that she had a relationship with Anthony Eubanks. Specifically, Bonilla had a romantic relationship, as well as a business relationship. Per Bonilla she was the accountant and registered agent

Exhibit C2

of the business; the business is Lives Matter Community Health (registered in Florida). Bonilla stated that Anthony owed her money and that the funds transferred were payment for that money owed.

September 7, 2016: AMHFCU provided provisional credit to Eubanks in the amount of \$5,600.00.

AMHFCU Review:

1. AMHFCU has pulled the online teller activity for Eubanks and Bonilla for August 13th and 17th. The online activity includes the user logon attempts, IP addresses and activity performed (e.g., transactions, change of information).
 - a. Eubanks IP Address of online teller transactions
 - i. 172.56.3.185: on 8/13/2016 from 1.33am to 3.24am – \$3,000 transfer at 3.02am
 - ii. 172.56.3.72: on 8/13/2016 from 11.09am to 11.12am – \$500 transfer at 11.12am
 - iii. 64.134.98.121: on 8/17/2016 from 12.50pm to 12.58pm – \$2,100 transfer at 12.58pm
 - b. Bonilla IP Address
 - i. 172.56.3.185: on 8/13/2016 from 2.16am to 3.02am
 - ii. No online teller activity from 11.09am to 11.12am
 - iii. 64.134.98.121: on 8/17/2016 from 12.50pm to 12.50pm
2. AMHFCU received from TruMark pictures of Bonilla withdrawing the funds from her account via Sharebranch
3. To date AMHFCU has had two phone calls with Bonilla. Each call has been documented

Exhibit D

PHILADELPHIA POLICE DEPARTMENT NORTHWEST DETECTIVES DIVIS		CASE# 16-39-067136
INVESTIGATION INTERVIEW RECORD		INTERVIEWER: DET. FLEMING #275
NAME Joyce Eubanks	AGE 67	RACE/SEX B/F
ADDRESS	APT#	DOB 3/11/49
NAME OF EMPLOYER / SCHOOL		SS#
ADDRESS OF EMPLOYER / SCHOOL		PHONE#
DATES OF PLANNED VACATION / BUSINESS TRIPS		
NAME OF CLOSE RELATIVE		RELATIONSHIP
ADDRESS OF RELATIVE		PHONE#
PLACE OF INTERVIEW VIA TELEPHONE		DATE 10/12/16
BROUGHT IN BY		TIME 9:00am
WE ARE QUESTIONING YOU CONCERNING: Fraud		
WARNINGS GIVEN BY:		DATE TIME

ANSWERS:						
(1)	(2)	(3)	(4)	(5)	(6)	(7)

I am Detective Fleming #9275 and I am going to ask you questions concerning the incident that occurred on August 13, 2016.

You are not in police custody and you are not under arrest. You may stop this interview at anytime. Do you understand?

A. Yes

Q1. Do you know Mersadies Bonilla?

A1. I wouldn't know her if she walked in front of me.

Q2. Have you ever heard of Mersadies Bonilla?

A2. Yes I believe she was an accountant in my son's business.

Q3. What can you tell me about your account with American Heritage Federal Credit Union?

A3. My account was hacked and I lost approximately \$5600.00.

Q4. Did you give anyone permission to access your account and withdraw or transfer money?

A4. No.

Q5. When was your account accessed?

A5. Between August 13 and August 17, 2016.

Q6. Did you authorize the transfers from your account to Mersadies Bonilla account?

A6. No

RECORD	CHECKED BY:
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<i>Det. Fleming 9275</i>
REVIEWED BY:	

Exhibit "E"
36 pages

1

1 IN THE COURT OF COMMON PLEAS
2 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
3 CRIMINAL TRIAL DIVISION

4 - - - - -
5 COMMONWEALTH :
6 v. : MC-51-CR-0022470-2017
7 MERSADIES BONILLA :

8 - - - - -
9 Room 506, Criminal Justice Center
10 Philadelphia, Pennsylvania

11 - - - - -
12 Thursday, January 11, 2018

13 - - - - -
14 B E F O R E: THE HONORABLE THOMAS G. GAVIN, J.

15 - - - - -
16 PRELIMINARY HEARING

17 APPEARANCES:
18 DANIELLE WALSH, ESQUIRE
19 Assistant District Attorney
20 For the Commonwealth

21
22 LEON D. GOODMAN, ESQUIRE
23 Attorney for the Defendant

24
25

1 INDEX

2 COMMONWEALTH'S EVIDENCE

3

4 WITNESS

DR. CR. RDR. RCR.

5 TRACEY RAMBO

3 14 21 22

6

7

8 EXHIBITS

9

10 NO. DESCRIPTION FOR IDEN. IN EVD.

11

12

13 DEFENDANT'S EVIDENCE

14

15 WITNESS

DR. CR. RDR. RCR.

16

17

18 EXHIBITS

19 NO. DESCRIPTION FOR IDEN. IN EVD.

20

21

22

23

24

25

1 THE COURT CRIER: Counsel, please provide
2 your name for the record.

3 MS. WALSH: Good morning Your Honor.
4 Danielle Walsh for the Commonwealth.

5 MR. GOODMAN: Good morning, Your Honor.
6 Leon Goodman for Ms. Bonilla.

7 THE COURT: Thank you.

8 THE COURT CRIER: On Your Honor's list for
9 today Mersadies Bonilla. Commonwealth.

10 MS. WALSH: Your Honor, we are ready to
11 proceed with the preliminary hearing in this matter.

12 THE COURT: All right.

13 And, Your Honor, with the Court's
14 permission, the Commonwealth calls Ms. Tracey Rambo as
15 the first witness.

16 - - -

17 (Whereupon, TRACEY RAMBO, after having
18 been sworn, testified as follows:)

19 - - -

20 DIRECT EXAMINATION

21 - - -

22 BY MS. WALSH:

23 Q Good morning, Ms. Rambo.

24 A Good morning.

25 Q Ms. Rambo, can you please start off by telling me

1 His Honor how it is that you are currently employed?

2 A I'm a fraud investigator for American Heritage
3 Federal Credit Union.

4 Q Ms. Rambo, I want to turn your attention back to
5 August of 2016. Back in August of 2016, were you
6 assigned to investigate a reported fraudulent transfer
7 for account number - 450146740 account holder Joyce
8 Eubanks?

9 MR. GOODMAN: I'm going to object in terms
10 of the phrase fraudulent transfer. My objection is
11 based on the fact that this is hearsay, in the sense
12 that, we don't know since that Eubanks person is not
13 here.

14 So all we have is some type of report.
15 But to have it concluded as fraudulent I think is
16 inappropriate.

17 MS. WALSH: Your Honor, the questioning
18 was whether or not it was reported fraudulent
19 transfer.

20 THE COURT: Objection is overruled.

21 BY MS. WALSH:

22 Q If you could please continue, Ms. Rambo, with
23 whether or not you were assigned to investigate this
24 reported fraudulent transfer?

25 A Yes, I was.

1 Q And, Ms. Rambo, how is it that you began your
2 investigation?

3 A Ms. Eubanks came into our branch and reported.

4 MR. GOODMAN: I'm going to object at this
5 point, Your Honor, unless we can produce this
6 particular witness.

7 MS. WALSH: Your Honor, at this point,
8 it's not being offered for the truth of the matter. I
9 would also argue that under Ricker hearsay is
10 admissible and appropriate.

11 THE COURT: Just for my purposes, I'm
12 taking it that the information that is provided to her
13 is being provided to show why she did what she did.
14 And we're not taking it for the truth of the matter.

15 MS. WALSH: Thank you.

16 THE COURT: Go ahead.

17 THE WITNESS: Ms. Eubanks came into our
18 branch and reported the transactions in question and
19 the change to her -- there were two changes to her --
20 one to her phone number and one to her email address
21 that she was reporting were not done by her.

22 BY MS. WALSH:

23 Q And when she reported that information to you
24 how, did you proceed from there?

25 A Well, I work with our information security, so

1 our IT group, pulled the IT addresses that were
2 associated with those transactions.

3 And, then, we reviewed both accounts.

4 And, then, we were able to work with one of the other
5 credit unions where a transaction was done and pull
6 pictures. And we reviewed both statements.

7 Q Now, let me back up for just a second, Ms.
8 Rambo. When the Honorable Joyce Eubanks reported this
9 transaction, did you pull a copy of that account to
10 obtain records of that transfer?

11 A Yes.

12 Q And when you reviewed records of that transfer,
13 did you determine where the funds ended up ultimately?

14 A Yes.

15 Q And where did those funds end up ultimately?

16 A In Mersadies Bonilla's account.

17 Q And are you familiar with Mersadies Bonilla?

18 A Yes.

19 Q And how are you familiar with her? Is she a
20 current customer also at the credit union?

21 A She was a current customer at that time, yes.

22 Q So, just for clarification, both Honorable Joyce
23 Eubanks and Mersadies Bonilla are both customers of
24 the credit union?

25 A Correct.

1 Q And when you reviewed the transaction history of
2 both Judge Eubanks and Ms. Bonilla, were you able to
3 determine where the funds ended up?

4 A Yes.

5 MS. WALSH: Your Honor, permission to
6 approach the witness with what I've marked as C-1 for
7 identification purposes.

8 THE COURT: Okay.

9 BY MS. WALSH:

10 Q Ms. Rambo, I've just handed you what's been
11 marked C-1 for identification. Can you please tell
12 His Honor what those documents entail?

13 A They're the account statements for Joyce Eubanks
14 and Mersadies Bonilla.

15 Q And are these fair and accurate copies of the
16 statement that you reviewed in preparing for your
17 investigation?

18 A Yes.

19 Q Now, Ms. Rambo, when you were reviewing the
20 account -- I'm going to turn your attention to the
21 account of Joyce Eubanks.

22 When you reviewed that transaction
23 history, and you spoke with Ms. Eubansk, did she
24 identify any transactions from her account that she
25 did not authorize?

1 A Yes. The \$3,000 transfer on August 13th; the
2 \$2,100 transfer on August 17th, and then the \$500
3 transfer on August 13th.

4 Q And, Ms. Rambo, on those transfers does it
5 indicate, on the statement, where those funds were
6 transferred to?

7 A It does.

8 Q And where were those funds transferred to?

9 A To the account of Mersadies Bonilla - 622661.

10 Q And after you reviewed the transaction history
11 for Joyce Eubanks, did you also then review
12 transaction history for customer Mersadies Bonilla?

13 A Yes.

14 Q And what, if anything, did you note in that
15 transaction history?

16 A That the funds were put into this account. And
17 that there were subsequent transactions done after the
18 funds were put in.

19 Q And the statement of Ms. Bonilla, did the
20 transfers from Ms. Eubanks' account go into Ms.
21 Bonilla's account at the same time that you reviewed
22 for Ms. Eubank's statement?

23 A Yes.

24 Q So those transfers corresponded on both counts?

25 A Yes.

1 Q And after the final transfer on August 17, 2016
2 what, if anything, else did you note on Ms. Bonilla's
3 account?

4 A After the transfer went in from Ms. Eubanks'
5 account on the 17th, there was a \$2,000 shared branch
6 withdrawal the same on the 17th at TruMark Credit
7 Union in Plymouth Meeting.

8 Q And, Ms. Rambo, can you please tell His Honor
9 what that means a withdrawal from a shared branch
10 account?

11 A For credit unions, they can participate in
12 what's called a shared branch network. And within
13 that network members of American Heritage can go to
14 other credit unions and access their account as long
15 as that credit union is part of the shared branch
16 network.

17 Q Now, if I could just direct your attention to
18 the part of Ms. Bonilla's account history in which it
19 indicates that \$2,000 transfer from Judge Eubanks'
20 account. Can you please tell His Honor what the
21 balance of Ms. Bonilla's account was before that
22 \$2,000 transfer?

23 A The balance was \$44.00.

24 Q I apologize. The \$2,100 transfer. And after
25 the transfer what was the account balance?

1 A \$2,144.

2 Q And what is the very next transaction on that
3 account?

4 A The \$2,000 withdrawal.

5 Q And based on that \$2,000 withdrawal what, if
6 any, action did you take?

7 A I reached out to TruMark Credit Union to obtain
8 a picture to see who was making that withdrawal.

9 MS. WALSH: Your Honor, permission to
10 approach the witness with what I'm going to mark
11 collectively as C-2 for identification.

12 THE COURT: Okay.

13 MR. GOODMAN: Your Honor, I'm going to
14 object unless they have a chain of custody to
15 establish what time and the circumstance when these
16 photos were taken.

17 In fact, we don't know in terms of how and
18 when they were done. And since this occurred at a
19 bank not her own, I have to argue to the Court there
20 needs to be someone from this bank to authenticate
21 this. We can't just bring in documents and say, oh,
22 here it is. Someone needs to authenticate it.

23 MS. WALSH: And, if I may, Your Honor,
24 there is a time-stamped date and a time-stamp on the
25 bottom left corner of these documents.

1 These documents were obtained by Ms.

2 Rambo, regular course of business. Our fraud

3 investigator was at a preliminary hearing.

4 And she did personally reach out to the

5 branch to obtain these photographs.

6 MR. GOODMAN: And that was done in

7 anticipation of litigation. And in that circumstance

8 you have to have somebody from that original bank.

9 These can't be authenticated because they

10 were not done by this bank. She doesn't know that

11 these times and dates, that are indicated on here,

12 are, in fact, accurate.

13 And we need someone from that particular

14 bank in order to authenticate them, Your Honor.

15 THE COURT: But I'm assuming the

16 Commonwealth's representation is that if we get to

17 that point you're going to have a representative of

18 the bank who will authenticate all of that having in

19 mind it's a preliminary hearing.

20 MS. WALSH: Absolutely, Your Honor.

21 THE COURT: Objection is noted and

22 overruled.

23 BY MS. WALSH:

24 Q And, Ms. Rambo, if you can please start off by

25 telling His Honor what C-2 is collectively?

1 A They are pictures of an individual doing a
2 withdrawal -- in the TruMark Branch at Plymouth
3 Meeting.

4 Q And do those photographs indicate the date and
5 time of that transaction, Ms. Rambo?

6 A They do.

7 Q And, at some point in time, did you come into
8 possession of these photographs?

9 A Yes.

10 Q How is it that you came into possession of these
11 photographs?

12 A They were emailed to me.

13 Q And who were they emailed to you by?

14 A TruMark Credit Union.

15 Q And was that after you submitted a request to
16 TruMark to attempt to investigate that \$2,000 transfer
17 on August 17, 2016?

18 A Yes.

19 Q And, Ms. Rambo, the person that's depicted in
20 these photographs, do you recognize that person in
21 court today?

22 A Yes.

23 Q Who was that person?

24 A Ms. Bonilla in the black.

25 MS. WALSH: And, Your Honor, for the

1 record, identifying the defendant by point of finger
2 as well as article of clothing.

3 BY MS. WALSH:

4 Q Now, Ms. Rambo, the photographs that I just
5 showed you, those are fair and accurate copies of the
6 photographs that you received from TruMark when you
7 submitted your request, is that correct?

8 A Correct.

9 Q Now, after you obtained these photographs, Ms.
10 Rambo, did you determine what the total amount was of
11 the unauthorized transactions from Judge Eubanks'
12 account?

13 A Yes.

14 Q And what was that amount?

15 A \$5,600.

16 Q And just to clarify, I know that you testified
17 previously, that includes the transaction on August
18 13, 2016 for \$3,000?

19 A Correct.

20 Q And the subsequent transaction on August 13,
21 2016 for \$500?

22 A Correct.

23 Q And, finally, the transaction on August 17, 2016
24 for \$2,100?

25 A Correct.

10 investigation. What, if anything, did you do to
11 compensate Judge Eubanks?

12 A We reimbursed Judge Eubanks. So we debited
13 Mersadies' account and credited the account of Ms.
14 Eubanks.

15 MS. WALSH: Your Honor, I have no further
16 questions at this time. Thank you, Ms. Rambo.

17

18 CROSS-EXAMINATION

19 - - -

20 BY MR. GOODMAN:

21 Q Good morning, ma'am.

22 A Good morning.

23 Q Now, first, as it relates to the owner of this
24 particular account, was the only person that was
25 listed on this account Judge Eubanks, or were there

1 other owners listed?

2 A It was just Joyce Eubanks.

3 Q So you're saying this was not a joint account
4 with her son?

5 A No. This was a sole account.

6 Q And did you ever inquire, with Ms. Eubanks,
7 whether or not she had given access to this particular
8 account to her son?

9 A And she said she had not.

10 Q Did you ever speak with him to determine whether
11 or not he had -- or indicated to you he had access to
12 this account?

13 A I did not.

14 MS. WALSH: Objection.

15 Relevance, Your Honor.

16 THE COURT: She's already answered it.

17 BY MR. GOODMAN:

18 Q Now, you indicated that you spoke with members
19 of your IT in terms of where the IP address that was
20 used to make these transcripts. Correct?

21 A Correct.

22 Q Are you an IT person?

23 A I am not.

24 Q So, in terms of the location, did you even know,
25 or were you told by someone, whether or not this

1 occurred in Philadelphia County?

2 A I was not told.

3 Q So do you know whether it happened in

4 Philadelphia County or not?

5 A I do not.

6 Q Obviously, as a fraud investigator you

7 understand. And you know that as it relates to

8 transactions on the computer they can basically occur

9 pretty much anywhere in the world, correct?

10 A Correct.

11 Q So the one transaction that you do know about

12 the specifics, we can agree is a transaction, and,

13 according to these records, was a withdrawal that

14 occurred in Conshohocken, PA, correct?

15 A Correct.

16 Q We can both agree Conshohocken, PA is not in

17 Philadelphia County?

18 A Correct.

19 Q During the course of your investigation, as it

20 relates to the account of Judge Eubanks, did you check

21 to see IP addresses for other transactions?

22 A I have to refer to my notes.

23 Q Okay.

24 A I don't have that information.

25 Q So you don't know whether or not the IP address

1 that was used, as it related to withdrawals for -- as
2 you allege from my client Ms. Bonilla -- was the same
3 IP address that was used for any other withdrawals,
4 correct?

5 MS. WALSH: Your Honor, at this point,
6 I would just object to vague. I'm not exactly sure
7 what other withdrawals counsel is referring to.

8 THE COURT: I'm confused myself.

9 And I'm assuming Counsel is going to clear
10 that up.

11 MR. GOODMAN: I'll limit what I'm
12 referring to on the dates that are listed on C-1 as it
13 relates to the account of Eubanks.

14 BY MR. GOODMAN:

15 Q And that appears from August 3, 2016 until
16 August 19, 2016.

17 A I'm not sure I understand the question.

18 Q The question simply is this, ma'am, the IP
19 addresses, that were used on the other withdrawals
20 from this account, did you check to see whether or not
21 they were any of the same IP addresses, as it relates
22 to the withdrawal, that was allegedly done by Ms.
23 Bonilla?

24 Basically, did you see whether or not the
25 IP address from Ms. Bonilla matches up to any of your

1 other withdrawals?

2 A Yes. The IP address that used on Ms. Bonilla's
3 account -- two of them in particular -- were also used
4 on Ms. Eubanks' account, if that's the question.

5 Q As it relates to Ms. Eubanks' accounts, were
6 there other withdrawals that matched to that IP
7 address?

8 A That, I don't have. I don't have that
9 information right now.

10 Q So you don't know?

11 A Correct.

12 Q And, as you already indicated, you don't know
13 whether or not that IP address was, in fact, in
14 Philadelphia County?

15 A I don't have that information, no.

16 Q Now as it relates to the photographs -- C-2 --
17 ma'am, did you actually go out to the particular
18 location?

19 A No.

20 Q So, you can agree that, in terms of the where,
21 the authenticity, you don't know whether or not these
22 were actually taken at this location as they purport
23 to be?

24 A I do not, no.

25 Q And did you go out, or did you attempt to speak

1 with any tellers -- or in particular -- the teller
2 that serviced the individual that's pictured in this
3 particular account?

4 A No.

5 Q Now, as part of your investigation, as it
6 relates to the owner of the Eubanks' account, did you
7 ever inquire with her about her son and his
8 involvement with my client?

9 MS. WALSH: Objection to relevance, Your
10 Honor.

11 THE COURT: What would be the relevance,
12 Counsel.

13 MR. GOODMAN: Well, Your Honor, I'm
14 looking at the affidavit of probable cause which seems
15 to suggest that there was some type of relationship.

16 And as a result, I'm inquiring whether or
17 not this investigator did any followup as it relates
18 to that because if the son had potential access he
19 could have given it to my client.

20 THE COURT: I realize this is a
21 preliminary hearing counsel. And I realize that
22 sometimes we go fishing. But I don't think this is an
23 appropriate fishing expedition.

24 The objection is sustained.

25 BY MR. GOODMAN:

1 Q Did you reduce to writing your contacts with the
2 Eubanks family?

3 MS. WALSH: Objection.

4 Relevance.

5 THE COURT: She can answer yes or no.

6 THE WITNESS: No.

7 BY MR. GOODMAN:

8 Q So your testimony today, as it relates to what
9 allegedly was said to you by The Honorable Judge
10 Eubanks, came from your memory?

11 A Correct.

12 Q And, those interviews occurred back in August of
13 2016?

14 A Correct.

15 Q And how many investigations have you done since
16 then?

17 MS. WALSH: Objection.

18 Relevance, Your Honor.

19 THE COURT: She can answer the question.

20 Go ahead.

21 BY MR. GOODMAN:

22 Q If you know?

23 A Over 500.

24 MR. GOODMAN: Thank you, Your Honor.

25 I have nothing further.

1 MS. WALSH: Your Honor, very briefly.

2 I just have redirect.

3 - - -

4 REDIRECT EXAMINATION

5 - - -

6 BY MS. WALSH:

7 Q Ms. Rambo, Counsel asked you some questions
8 regarding your investigation into IP address and where
9 the location was. Can you tell me where Judge Eubanks
10 -- without giving the full address -- where her
11 residence is located?

12 A Philadelphia.

13 Q And it's the city and county of Philadelphia, is
14 that correct?

15 A Correct.

16 Q And when Judge Eubanks came in to report this
17 information to you, to begin your investigation, where
18 was the notice of the change in contact information
19 sent to Judge Eubanks?

20 A At her address in Philadelphia.

21 MS. WALSH: Thank you.

22 I have no further questions.

23 THE COURT: Any followup.

24 MR. GOODMAN: Yes, Your Honor, if I may
25 just one short brief series of questions.

22

RE-CROSS EXAMINATION

MR. GOODMAN:

Ma'am, as it relates to The American Heritage
Federal Credit Union, where are your computer servers
located at?

1. **Subject** **2.** **3.** **4.** **5.** **6.** **7.** **8.** **9.** **10.** **11.** **12.** **13.** **14.** **15.** **16.** **17.** **18.** **19.** **20.** **21.** **22.** **23.** **24.** **25.** **26.** **27.** **28.** **29.** **30.** **31.** **32.** **33.** **34.** **35.** **36.** **37.** **38.** **39.** **40.** **41.** **42.** **43.** **44.** **45.** **46.** **47.** **48.** **49.** **50.** **51.** **52.** **53.** **54.** **55.** **56.** **57.** **58.** **59.** **60.** **61.** **62.** **63.** **64.** **65.** **66.** **67.** **68.** **69.** **70.** **71.** **72.** **73.** **74.** **75.** **76.** **77.** **78.** **79.** **80.** **81.** **82.** **83.** **84.** **85.** **86.** **87.** **88.** **89.** **90.** **91.** **92.** **93.** **94.** **95.** **96.** **97.** **98.** **99.** **100.** **101.** **102.** **103.** **104.** **105.** **106.** **107.** **108.** **109.** **110.** **111.** **112.** **113.** **114.** **115.** **116.** **117.** **118.** **119.** **120.** **121.** **122.** **123.** **124.** **125.** **126.** **127.** **128.** **129.** **130.** **131.** **132.** **133.** **134.** **135.** **136.** **137.** **138.** **139.** **140.** **141.** **142.** **143.** **144.** **145.** **146.** **147.** **148.** **149.** **150.** **151.** **152.** **153.** **154.** **155.** **156.** **157.** **158.** **159.** **160.** **161.** **162.** **163.** **164.** **165.** **166.** **167.** **168.** **169.** **170.** **171.** **172.** **173.** **174.** **175.** **176.** **177.** **178.** **179.** **180.** **181.** **182.** **183.** **184.** **185.** **186.** **187.** **188.** **189.** **190.** **191.** **192.** **193.** **194.** **195.** **196.** **197.** **198.** **199.** **200.** **201.** **202.** **203.** **204.** **205.** **206.** **207.** **208.** **209.** **210.** **211.** **212.** **213.** **214.** **215.** **216.** **217.** **218.** **219.** **220.** **221.** **222.** **223.** **224.** **225.** **226.** **227.** **228.** **229.** **230.** **231.** **232.** **233.** **234.** **235.** **236.** **237.** **238.** **239.** **240.** **241.** **242.** **243.** **244.** **245.** **246.** **247.** **248.** **249.** **250.** **251.** **252.** **253.** **254.** **255.** **256.** **257.** **258.** **259.** **260.** **261.** **262.** **263.** **264.** **265.** **266.** **267.** **268.** **269.** **270.** **271.** **272.** **273.** **274.** **275.** **276.** **277.** **278.** **279.** **280.** **281.** **282.** **283.** **284.** **285.** **286.** **287.** **288.** **289.** **290.** **291.** **292.** **293.** **294.** **295.** **296.** **297.** **298.** **299.** **300.** **301.** **302.** **303.** **304.** **305.** **306.** **307.** **308.** **309.** **310.** **311.** **312.** **313.** **314.** **315.** **316.** **317.** **318.** **319.** **320.** **321.** **322.** **323.**

RE-CROSS EXAMINATION

Figure 1

BY MR. GOODMAN:

Ma'am, as it relates to The American Heritage
Credit Union, where are your computer servers
located at?

Philadelphia.

MR. GOODMAN: Nothing further, Your Honor.

BY THE COURT:

So in our modern banking system of today it's
almighty computer that controls everything. And
computer says the money went into "x" account.
it came out of "y" account.

All of those records are maintained in the Philadelphia?

Correct.

And if someone makes a transaction no matter they make it it gets recorded in Philadelphia. If someone wants to take money out of an account it in it all goes through the Philadelphia

Correct.

THE COURT: Thank you.

You can step down.

1 (Witness excused).

2 MS. WALSH: Your Honor, at this point, I
3 would move what's been marked as C-1 and C-2 into
4 evidence.

5 THE COURT: Any objection, Counsel.

6 MR. GOODMAN: No, Your Honor.

7 THE COURT: Then they're admitted.

8 MS. WALSH: Your Honor, I would also mark
9 and move, as C-3, an interview conducted with Judge
10 Eubanks with a subsequent form, reporting ownership
11 and non-permission indicating that she is the account
12 owner. That \$5,600 was removed from her account.

13 And that she did not give anybody
14 permission to take those funds from her account.

15 MR. GOODMAN: I'm going to object to the
16 statement being admitted, Your Honor. Realistically,
17 if this is what the Government is going to do, based
18 on Commonwealth's witness's statement, there is no
19 need to have preliminary hearings.

20 You can't just mark a statement and move
21 it in. You need to have someone come and testify.
22 Ownership and non-permission is one thing.

23 But just to have random statements marked
24 and moved in and read in, realistically, you're
25 defeating the whole purpose of a preliminary hearing.

1 It's one thing for hearsay in terms of
2 certain elements to come in. But to just mark and
3 move statements -- this is not the Federal Court where
4 you have an investigator come in, read it. And that's
5 the end of it.

6 Constitutionally, there's a right to
7 confront. And, now, we have an accusatory statement,
8 that they're trying to move in, violating my client's
9 Constitutional right to confront.

10 MS. WALSH: If I may, Your Honor.

11 Your Honor, the statement that's taken
12 from Judge Eubanks, the accompanying ownership and
13 non-permission interview sheet, is, in fact, limited
14 just for the ownership and non-permission.

15 And I do have a copy for the Court to
16 review. There is nothing that's going into anything
17 further other than whether or not she authorized any
18 transfers from her account as she's the account
19 owner. That's what it's limited to.

20 In Philadelphia, we use these ownership
21 and non-permission forms all the time under both
22 Ricker and Branch and, subsequently, under Ricker.

23 The whole purpose that the Philadelphia
24 Police Department established these interview sheets
25 is so that we don't need victims to come to the court

1 solely to testify to ownership and non-permission
2 information.

3 And, I'm simply admitting it for the
4 purpose of ownership and non-permission as that
5 interview is limited to.

6 And I also, in the alternative, have the
7 specific forms just indicating she's the account
8 owner. And she didn't give the defendant permission
9 or anybody permission to take those funds.

10 MR. GOODMAN: And in Philadelphia, we use
11 those forms. I concede that. If she wants to use the
12 form that's fine. But to introduce the statement,
13 we're going above and beyond what we usually do in
14 Philadelphia which is the ownership and non-permission
15 form.

16 THE COURT: So, I take it, the form
17 satisfies you.

18 MS. WALSH: Your Honor, the form does
19 satisfy me. It does indicate, however, in the
20 interview that nobody had permission.

21 THE COURT: The argument about the son, if
22 that's what you're concerned about, it's a
23 non-sequitor. It's just not relevant.

24 We'll take the form that counsel is not
25 objecting to. And he's protecting his client's right

1 in doing that. So the particular form, that's
2 agreeable to both parties, is C-3.

3 And I take it, you don't object to that
4 form, Counsel.

5 MR. GOODMAN: That's a standard form in
6 Philadelphia. I have no basis.

7 THE COURT: It's admitted.

8 So with that, you rest.

9 MS. WALSH: And those three exhibits moved
10 in, Commonwealth would rest for the preliminary
11 hearing.

12 THE COURT: I'll hear you if you want any
13 kind of followup discussion.

14 MR. GOODMAN: I'll make argument at this
15 point. My argument is relatively straightforward,
16 Your Honor. As indicated by the Court, during the
17 testimony here, the statements that were made by Judge
18 Eubanks to the investigator -- we're not saying for
19 the truth of the matter asserted or moreso in terms of
20 the effects and what they had on the investigator and
21 why she did what she did.

22 That having been said, I would argue to
23 the Court simply that, with that, from the testimony
24 of the investigator we have alleged transfers from
25 accounts to other accounts.

1 And we have, according to the records that
2 have been presented to this Court, a withdrawal that
3 occurred outside of Philadelphia County.

4 We don't know who, actually, was the
5 person who conducted or did those particular
6 transfers. There's been no evidence to establish
7 connecting my client as the source or the individual
8 who actually did such transfers.

9 What we do know is that it ended up in an
10 account that happened to be under her name. So we
11 don't know who the person that initiated it is, in
12 fact, the person who did this particular crime, which
13 is a transfer from the Eubanks' account into hers.

14 What we also know, Your Honor, is this.
15 We have photographs that were taken in Conshohocken.
16 Conshohocken which is, obviously, in Montgomery County
17 which is, obviously, not under the jurisdiction of the
18 Philadelphia courts.

19 And we have an individual that, according
20 to the investigator, is my client. But, again, we're
21 looking at photographs that haven't been
22 authenticated.

23 We don't know whether or not they, in
24 fact, are true and accurate copies of how my client
25 looked on that particular day.

1 No interviews were ever conducted by
2 anyone at that particular bank to authenticate and to
3 establish their authenticity, and, really even having
4 a situation where we've even talked to a teller, on
5 that particular day, that serviced her.

6 But all of that being said, it still
7 happened in Conshohocken which is beyond the
8 jurisdiction of Philadelphia.

9 And there's been nothing presented to this
10 Court indicating that Montgomery County has seated
11 jurisdiction to Philadelphia.

12 So as it relates to the withdrawal that
13 allegedly occurred in Conshohocken, I would argue to
14 the Court there's no jurisdiction here. There's a
15 proper place for it. That's in Montco. That's not
16 her.

17 And, Your Honor, as it relates to the
18 transfers, going back to my original argument that I,
19 initially, presented, namely, we have no evidence who
20 is the individual that did it.

21 I asked all those questions about the IP
22 addresses giving them the opportunity to establish,
23 oh, it was at a location that goes back to her or
24 something that was consistent with her account.

25 As they've already gone through and done

1 those checks. They've not given Your Honor any of
2 that. So we don't know whether or not it was her
3 account that was hacked by someone.

4 We can't speculate as far as jumping
5 through hoops and saying, well, it must be because.
6 Well, in the world of electronics, as Your Honor so
7 pointed out, the computer controls everything.

8 So, now, we need to find out who is in
9 control of the computer. There's been no evidence
10 that's been presented to this Court that establishes
11 that nothing is connected to her.

12 And, that being said, I would argue to the
13 Court that these charges should be discharged both for
14 lack of jurisdiction as well as no identification, in
15 terms of, who is the individual that actually
16 committed the IP transfers.

17 MS. WALSH: And, Your Honor, I would ask
18 that you hold the defendant for court as charged.
19 First of all, regarding the jurisdiction argument, as
20 Your Honor so aptly pointed out to the witness, the
21 computer system is located in Philadelphia.

22 Judge Eubanks is an account holder located
23 in Philadelphia. The information regarding the change
24 to her account, and the transactions that occurred,
25 were sent to her address in Philadelphia.

1 That harm was felt in Philadelphia. And
2 given that fact, Philadelphia does have proper
3 jurisdiction over this case.

4 In terms of the identification, and
5 whether or not it's linked to this defendant, what we
6 have is we have transfers going from Judge Eubanks'
7 account directly into the defendant's account.

8 And how we know that she was aware of
9 those transfers, because on the last day, when that
10 \$2,100 transfer took place, she then went into the
11 branch and withdrew the money.

12 Where she previously had no money, she's,
13 now, in that branch in the photographs withdrawing
14 those funds. So she was well aware that these funds
15 were being transferred.

16 And she swiftly moved to take them out of
17 her account. So that she could access them. So with
18 all reasonable inferences in favor of the
19 Commonwealth, at this level, Your Honor, I would ask
20 that you hold the defendant for court.

21 THE COURT: Yes.

22 Again, Counsel, you've got some good
23 arguments. But they're for a proceeding where the
24 Commonwealth's burden is a lot higher than it is
25 today. And when I look at Exhibit No. 1, and I see

1 the withdrawal from the Eubanks' account, the transfer
2 to the Bonilla account and then a picture that I would
3 suggest your client is easily recognizable.

4 And on the same day, essentially, the
5 money comes out of the account, there is certainly
6 more than adequate evidence to determine that the
7 Commonwealth has met its evidentiary standard at this
8 level.

9 Again, what happens at the next level is a
10 different matter. So the defendant is held for
11 court. Now, you folks have to give me some help here
12 because I understand, Counsel, you're saying that
13 she's detained. But she's not detained on this case.

14 She's detained on some other matter.

15 MR. GOODMAN: Her bail is set on this case
16 at I believe \$5,000. And I would honestly be asking
17 for that to be reduced to sign own bond.

18 In that, she does have another matter
19 that's currently pending before His Honor Judge
20 Campbell. And that's scheduled for trial in a week.

21 And on that particular case, the bail is
22 such that she's not going to make it. However, I'm
23 anticipating that will be resolved by a non-trial
24 disposition.

25 So that being the case, I'm requesting the

1 bail be reduced to sign own -- or even if Your Honor
2 is inclined -- even potentially house arrest something
3 along those lines.

4 We'll know where she's at because she will
5 be on the Court's jurisdiction for some time as a
6 result of the matter that's currently in front of
7 Judge Campbell.

8 And, in terms of the potential threat to
9 society, et cetera, I would argue that having her in
10 custody serves no purpose.

11 MS. WALSH: And, if I may, Your Honor, the
12 only thing that I would be asking that if we do
13 release the defendant that there be an order for house
14 arrest or some sort of electronic monitoring.

15 Because it is my understanding she
16 absconded from the Court in that other case. So
17 that's my only concern, Your Honor. I don't think she
18 needs to be in custody. But I do want to keep some
19 sort of tabs on her as well.

20 MR. GOODMAN: And I can address that, Your
21 Honor. She's been my client, now, for a little over a
22 year or so. And, in that time period, there have been
23 certain medical issues. There was a mental breakdown
24 that occurred since she's been in county custody.

25 THE COURT: So let's do it this way,

1 Counsel, without putting her medical history on the
2 record. The matter that she has pending in the Common
3 Pleas Court next week, do you have an anticipated
4 outcome of that matter.

5 MR. GOODMAN: Yes, Your Honor.

6 That will be a non-trial disposition. I
7 am in heavy contact with the Attorney General's
8 office. And my client has already agreed to their
9 terms. So I anticipate that that will be a plea.

10 And she will be placed on a period of
11 probation to allow her to make amends for that
12 particular incident.

13 THE COURT: So, then, the amount of time
14 that she has been incarcerated, if she's getting a
15 probationary sentence, is that time then going to be
16 available to this particular case?

17 MR. GOODMAN: That will be used by that
18 case.

19 THE COURT: Would be used by the other
20 case.

21 MR. GOODMAN: Yes, Your Honor.

22 THE COURT: So, then, we'd be starting at
23 scratch with what the disposition, in this case, is
24 going to be.

25 MR. GOODMAN: Yes, Your Honor.

1 THE COURT: Now, again, I don't know how
2 your electronic home confinement works here. In our
3 county, you have to satisfy our folks that you have
4 the correct setup to do electronic home confinement.

5 And if you can satisfy those requirements
6 then I would be okay with that.

7 MR. GOODMAN: They have a similar
8 requirement here. They just transitioned from the
9 land lines into a cellular-based system, where you
10 have a base station in your house.

11 And that's a collectivized cellular system
12 to a bracelet. So it's similar.

13 THE COURT: So I guess the two of you can
14 work it out. I don't have any objection to her
15 receiving a bail that would put her out on electronic
16 home confinement.

17 Notwithstanding, her medical issue, if she
18 went missing on us once we don't want her going
19 missing on us twice without having taken some
20 significant effort to avoid that which the HC would
21 do.

22 MR. GOODMAN: As a result of the prior
23 case, and the response that she received from Judge
24 Campbell, I don't anticipate that being the case in
25 the future.

1 THE COURT: So what are the magic words
2 that we have to say to make all of this happen in
3 Philadelphia.

4 MR. GOODMAN: I reduce bail to ROR with
5 electronic monitoring house arrest.

6 THE COURT: Okay.

7 Fine. So she's held for court on all
8 charges. Her bail can be reduced to ROR subject to
9 her satisfying the requirements for electronic home
10 confinement as exists in Philadelphia.

11 If she cannot satisfy those requirements,
12 then the reduction in the bail from what it is to ROR
13 is a nullity.

14 MS. WALSH: Thank you, Your Honor.

15 MR. GOODMAN: Thank you.

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1 C E R T I F I C A T E:

2 I hereby certify that the
3 proceedings and evidence are contained fully and
4 accurately in the notes taken by me on the trial of
5 the above cause, and this copy is a correct transcript
6 of the same.

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BARRY HARRIS, Court Reporter

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Dated: JANUARY 23, 2018

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